

ENTERED

February 24, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JEWELL THOMAS,

Petitioner,

V.

**JERRY SANCHEZ, ISSAC KWARTENG,
LANETTE LINTHICUM, BRYAN
COLLIER, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE -
CORRECTIONAL
INSTITUTION DIVISION,**

Respondents.

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Civil Action No. 2:22-CV-00141

ORDER ACCEPTING
FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the September 2, 2022 Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Jason R. Libby. (Dkt. No. 18). Magistrate Judge Libby made findings and conclusions and recommended that the Court dismiss all claims against all Respondents. (Dkt. No. 18 at 1). Magistrate Judge Libby further recommends that the dismissal of this case count as a “strike” for purposes of the Prison Litigation Reform Act. 42 U.S.C. § 1997e(c); 28 U.S.C. § 1915(g).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On Sep. 26, 2022, Plaintiff filed two objections. (Dkt. No. 22). First, Thomas objects to Judge Libby’s findings regarding his Americans with Disabilities Act and Rehabilitation Act claims. (Dkt. No. 22 at 23–24). Second, Thomas objects to Magistrate Judge Libby’s findings in relation to his claims

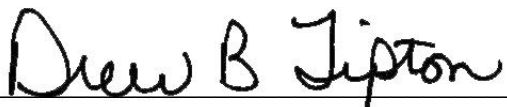
under 42 U.S.C. § 1983 against Warden Sanchez, Dr. Kwarteng, Dr. Linthicum, and Director Collier in their individual capacities. (Dkt. No. 22 at 1–22).

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that Magistrate Judge Libby’s M & R (Dkt. 18) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court.

It is SO ORDERED.

Signed on February 23, 2023.


DREW B. TIPTON
UNITED STATES DISTRICT JUDGE